

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Piper Sandler Companies,

Plaintiff,

Case No. _____

v.

Constanza Gonzalez,

Defendant.

**DECLARATION OF MARK
LANTERMAN IN SUPPORT OF
PLAINTIFF'S MOTION FOR
INJUNCTIVE RELIEF**

I, Mark T. Lanterman, declare and state as follows:

1. I am the Chief Technology Officer of Computer Forensic Services ("CFS") located in Minneapolis, Minnesota.¹ CFS and I were retained by counsel for Plaintiff, Piper Sandler Companies ("Piper") to preserve and analyze electronic devices that were assigned to Defendant Constanza Gonzalez ("Gonzalez") by Piper. I offer this declaration in support of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction.

2. Based on the materials provided to me, and consistent with the facts and opinions outlined in this report, there is evidence to indicate that in the days prior to Gonzalez's separation from Piper, she accessed confidential Piper documents and printed paper copies of them.

¹ Neither my compensation nor CFS's compensation is dependent upon the substance of my opinions or outcome of this case. Attached as **Exhibit A** is my CV, a list of cases in which I have testified in the last four years, as well as a list of articles I have published over the past 10 years.

I. Expert background

3. CFS specializes in the analysis of digital evidence in civil and criminal litigation. I have over 30 years of experience in computer forensics and cybersecurity. Prior to joining CFS, I was a sworn investigator for the United States Secret Service Electronic Crimes Task Force and acted as its senior computer forensic analyst.

4. I am certified by the United States Department of Homeland Security as a “Seized Computer Evidence Recovery Specialist,” as well as certified in computer forensics by the National White-Collar Crime Center. Both federal and state court judges have appointed me as a neutral computer forensic analyst or special master.

5. I graduated from Upsala College with both a Bachelor of Science and a Master’s degree in computer science. I completed my post graduate work in cyber security at Harvard University.

6. I am currently adjunct faculty of computer science for the University of Minnesota Technological Leadership Institute’s Master of Science and Security Technologies program (MSST). I am a faculty member at Hamline University and a professor of cybersecurity at the University of St. Thomas School of Law. I am also a faculty member for the National Judicial College in Reno, Nevada and the Federal Judicial Center in Washington, D.C.

7. I have previously provided training or delivered keynote addresses for the United States Supreme Court; the Eleventh Circuit Federal Judicial Conference; the Eighth Circuit Federal Judicial Conference; the Southern District of Georgia; the Western District of Tennessee; and several state judicial conferences. I delivered the

keynote address at the Chief Justices' Conference in Newport, Rhode Island and at Georgetown Law School's advanced e-discovery conference.

8. I was appointed by the Minnesota Supreme Court to serve as a member of Minnesota's Lawyers Professional Responsibility Board ("LPRB"). I currently serve on the LPRB's Rules and Opinion Committee.

9. I am a co-author of the Minnesota State Bar's e-Discovery Deskbook, and I also write monthly articles for *Minnesota Bench & Bar* magazine.

10. CFS holds a corporate private detective license issued by the State of Minnesota Board of Private Detective and Protective Agent Services (License No. 2341).

11. CFS was awarded a Multiple Award Schedule contract (contract #47QTCA22D004L) for the 54151HACS (highly adaptive cybersecurity services) SIN by the General Services Administration (GSA). GSA awarded CFS the contract after a rigorous inspection and technical competence evaluation of knowledge, abilities, competency, policies, and procedures.

12. CFS is the exclusive, contracted computer forensic service provider for 38 law enforcement agencies in Minnesota, including Hennepin County Sheriff's Office. CFS also serves the Metropolitan Airports Commission, also known as the Minneapolis/Saint Paul International Airport. CFS is partnered with the U.S. Secret Service to assist with its electronic investigations.

II. Materials Considered

13. I am generally familiar with the factual circumstances of this action, as it relates to electronically stored information. I understand that Defendant Gonzalez was

previously an employee of Piper, and resigned from the company on or about June 22, 2023.

14. I understand that Piper issued two (2) laptops and an iPhone to Defendant Gonzalez, which were intended for use in connection with her job responsibilities (collectively referred to as “Gonzalez’s Piper-issued devices”). On July 13, 2023, Piper provided Gonzalez’s Piper-issued devices to my office. Information about these devices is listed in Table 1 below.

Device Make/Model	Serial Number	Notes
Lenovo ThinkPad T14s	MJ-0E9RN4 (Piper Asset #: 67851)	For the purposes of this declaration, this device is referred to as “Gonzalez’s first Piper-issued laptop.” Based on information available from this laptop, it was assigned to Gonzalez between December 28, 2021 until approximately May 22, 2023.
Lenovo ThinkPad T14s	MJ-0E9RG2 (Piper Asset #: 67800)	For the purposes of this declaration, this device is referred to as “Gonzalez’s second Piper-issued laptop.” Based on information available from this laptop, it was assigned to Gonzalez between approximately May 22, 2023 and June 22, 2023.
Apple iPhone SE (A2275)	DX3GV18QPLJY IMEI ² : 355054410090458	For the purposes of this declaration, this device is referred to as “Gonzalez’s Piper-issued iPhone” or the “iPhone.” Upon receipt by CFS, this iPhone was locked with a passcode. Gonzalez provided two (2) potential passcodes to unlock the device, and neither was correct. I successfully bypassed the encryption, identified the passcode, and obtained access to the data.

Table 1

² IMEI is an acronym for “International Mobile Equipment Identifier.” It is a 15-digit, unique code assigned to a mobile device, and is akin to a serial number.

15. Upon receipt, CFS forensically extracted (copied) data from Gonzalez's Piper-issued devices, listed in Table 1 above. This forensic extraction process comprehensively preserved the devices' data and their operating systems.

16. In addition to Gonzalez's Piper-issued devices, I received a spreadsheet called "GONZC11-print-history-source-location.xlsx." (the "printer log"). This spreadsheet represents information recorded by Piper's systems pertaining to documents and files that the user "GONZC11" (Gonzalez) printed to paper.

17. The printer log lists several columns of information about "print" events, including, but not limited to, 1) the "job number," which indicates the sequence of the print job; 2) the result (*e.g.*, whether the print was successful); 3) the start and end time of the printing for a particular document or file; 4) the name and location of the file; 5) the number of pages; and 6) the user associated with the print request (GONZC11).³

III. Opinion summary

18. Based upon my analysis of Gonzalez's Piper-issued devices, I offer the following conclusions, which are presented in this report in, roughly, chronological order.

- a. Gonzalez transmitted (texted) Piper information to, ostensibly, a personal mobile phone on June 4, 2023, and deleted the message 22 minutes after sending it.
- b. Gonzalez began researching D.A. Davidson online as early as December 2022, including conducting searches for D.A. Davidson and its individual brokers. There is evidence to suggest that she applied for employment with D.A. Davidson on June 13, 2023.

³ "GONZC11" is the username that Piper assigned to Gonzalez, and was used on both of her Piper-issued laptops.

- c. According to GPS location information available from Gonzalez's Piper-issued iPhone, Gonzalez travelled to D.A. Davidson's offices and other areas around it leading up to her separation from Piper.
- d. On June 16, 2023 and June 17, 2023, Gonzalez opened and reviewed selected files and documents from her Piper-issued laptop.
- e. On June 17, 2023, Gonzalez printed the documents that she had previously opened to paper. During this printing activity, a screenshot application and a video conferencing/collaboration application were open and active.
- f. On June 21, 2023, Gonzalez manipulated the names of more than one thousand files.

IV. Gonzalez texted Piper information to, ostensibly, a personal mobile phone.

19. As noted above, I obtained data from Gonzalez's Piper-issued iPhone. (*See supra*. ¶ 14, Table 1).

20. I identified a deleted text message that was sent on June 4, 2023 at 8:09:57 PM (MST) from Gonzalez's Piper-issued iPhone to a contact listed as "Connie Gonzalez" (phone number: (385) 535-2112). Based upon the fact that the contact name is listed as "Connie Gonzalez" I reasonably infer that this is likely a different phone in Gonzalez's control.

21. The message was deleted at 8:31:15 PM, approximately 22 minutes after it was sent.

22. The deleted message consisted of multiple photos. One of the photos is of a computer's screen, with an open window. The open window shows what appears to be a slide from a PowerPoint presentation, and the text "Piper Sandler" is shown at the bottom right of the photo.

23. The substance of the slide contains a map with a legend for “2023 Transactions” and “Upcoming Transactions.” It further contains a listing representing the mapped data, including column headings with “Issuers,” “Location,” “Pricing,” “Amount” and “Banker.”

24. A true and correct copy of this photo is attached to this declaration as Exhibit B, and is marked confidential.

V. Gonzalez conducted online research about D.A. Davidson, and later, on June 13, 2023, evidence suggests that Gonzalez applied for employment with D.A. Davidson.

25. Based upon information available from Gonzalez’s first Piper-issued laptop, there is evidence to indicate that Gonzalez’s began conducting research about D.A. Davidson and its principals as early as December 2022.

26. On December 29, 2022, Gonzalez’s first Piper-issued laptop visited Brennan Brown’s LinkedIn profile.⁴

27. On March 30, 2023, Gonzalez visited FINRA’s Broker Check search webpage, and queried results about D.A. Davidson. Similarly, on May 24, 2023, Gonzalez visited FINRA’s Broker Check search webpage, and queried results about individual brokers at D.A. Davidson.

28. On June 13, 2023, approximately one week before Gonzalez separated from Piper, Gonzalez used her second Piper-issued laptop to search for “applicaiton da davidson” [sic]. Thereafter, Gonzalez visited D.A. Davidson’s “careers” webpage and

⁴ I understand that Brennan Brown is a Managing Director, Investment Banking at D.A. Davidson. (See “Our Professionals”, available at: <https://dadavidson.com/WHAT-WE-DO/Fixed-Income-Capital-Markets/Our-Professionals/Fixed-Income-Capital-Markets-Profiles/ArticleID/3028/Brennen-Brown>, last accessed: July 31, 2023.

then dadavidson.submit4jobs.com, which lists available employment opportunities at D.A. Davidson.

29. In close temporal proximity to her access of D.A. Davidson's employment application website on June 13, 2023, Gonzalez created a file called "2023 (8).pdf". Based upon the content of that file, it appears to be Gonzalez's resume.

VI. Gonzalez travelled to D.A. Davidson's offices and other areas around it leading up to her separation from Piper.

30. iPhones maintain functionality that records the approximate physical location of the phone at different times.⁵

31. Here, GPS location data from Gonzalez's Piper-issued iPhone show that she visited areas close to D.A. Davidson's offices on May 23, 2023. (*See supra*. ¶ 27, noting that Gonzalez was researching D.A. Davidson on May 24, 2023). More specifically, at 11:55:28 AM and 4:52 PM, Gonzalez's Piper-issued iPhone was in the "City Creek Center" in Salt Lake City, Utah. City Creek Center is located directly across the street from D.A. Davidson's offices at 95 South State Street, Salt Lake City, Utah 84111.

32. On June 12, June 15, and June 21, 2023, Gonzalez's Piper-issued iPhone was located at D.A. Davidson's address. Table 2 below summarizes this activity.

Date/Time	Description
06/12/2023 04:58:24 PM	Gonzalez's iPhone is located at D.A. Davidson's Utah business address (95 South State Street, Salt Lake City, Utah 84111).
06/15/2023 10:16:31 AM	Arrives at D.A. Davidson's Utah business address.
06/15/2023 11:37:39 AM	Departs D.A. Davidson's Utah business address.

⁵ For additional information see "Turn Location Services and GPS on or off on your iPhone..." available at: <https://support.apple.com/en-us/HT207092>, last accessed: Aug. 1, 2023.

Date/Time	Description
06/21/2023 05:28:59 PM	Arrives at D.A. Davidson's Utah business address.
06/21/2023 07:28:33 PM	Departs D.A. Davidson's Utah business address.

Table 2

VII. On June 16, 2023 and June 17, 2023, Gonzalez opened and reviewed selected files and documents from her Piper-issued laptop.

33. When files and/or folders are accessed, Windows often records information related to a user's interaction with files and folders. For example, it is possible to identify files and folder that are "double-clicked" or opened, and the time when they are opened or accessed.

34. On June 16 and 17, 2023, Gonzalez opened and accessed multiple files on her second Piper-issued laptop. These files were primarily accessed from Gonzalez's Piper OneDrive account (referencing the folder name "OneDrive - Piper Sandler & Co"), or on Piper's file servers (//corp.pjc.com, and also accessible from Gonzalez's second Piper-issued laptop as drive "Q:").⁶ With respect to the access of Piper's server, Gonzalez primarily accessed documents within a folder location—"Public Finance Services\Special District Group."

35. A representative sample of files that were opened and accessed on June 16 and 17, 2023 are listed in Table 3 below.

Time Opened (MST)	File Path/Location
REDACTED	[REDACTED]
[REDACTED]	[REDACTED]

⁶ I note that Microsoft OneDrive is a file hosting service that allows individual and organization to upload and store files in a central location, accessible over the Internet.

[illegible]

Table 3

VIII. After accessing the documents and files, Gonzalez printed them on June 17, 2023 at Piper's offices.

36. According to GPS location information available from Gonzalez's Piper-issued iPhone, Gonzalez arrived at Piper's office at approximately 9:35 AM on Saturday June 17, 2023.

37. Gonzalez's second Piper-issued laptop discloses that beginning on June 17, 2023 at approximately 9:40 AM, documents or files were sent to a printer. When documents are printed from a computer, Windows will often record the same. Such records are often referred to as "print spool" data. "Print spool" is a term used to describe the software and mechanisms by which documents are transferred to a printer for printing to physical paper.

38. Indeed, according to Gonzalez's second Piper-issued laptop, print spool information discloses that on June 17, 2023 no fewer than 30 print requests were initiated between an approximately 40-minute period between 9:40 AM and 10:20 AM Mountain Time.

39. Notably, the names/identities of the files opened on June 16 and 17, 2023, match those listed in the "printer log." (*See supra*. ¶¶ 16-17, describing the "printer log," *see also* Table 3). Further, the fact that those files were printed is supported by both the printer log itself, and the print spool information recorded by Gonzalez's second Piper-issued laptop.

40. Therefore, Gonzalez's second Piper-issued laptop was used to 1) open documents on June 16, 2023 and June 17, 2023; and 2) print those same documents using a Piper printer on Saturday, June 17, 2023.

41. Attached as Exhibit C to this declaration is a listing of documents that were printed, along with their locations, and the times that they were last accessed from Gonzalez's second Piper-issued laptop. Exhibit C has been marked as confidential.

IX. There are two (2) other applications that were opened during the time of the printing on June 17, 2023.

42. During the period of the printing between approximately 9:40 AM and 10:20 AM on June 17, 2023, the Windows "Snipping Tool" and Microsoft Teams were both started. The timing of that activity is as follows:

- a. Microsoft Teams: June 17, 2023 10:12 AM
- b. Snipping Tool: June 17, 2023 10:14 AM

43. First, Microsoft Teams is a common video conferencing, file sharing, chat, and collaboration application. I understand that Piper uses the application to store up-to-date confidential information. The application was open and was in the forefront of windows on the screen at 10:12 AM.

44. Second, and as observable in Exhibit C, two files were printed, and logged as, simply, "Snipping Tool Print Job" at 10:14 AM and 10:15 AM. "Snipping Tool" is software used to capture screenshots and is preinstalled on Windows computers. The Snipping Tool may be used to take a screenshot, print it, and close the application without saving the resulting file. Therefore, it is not possible to conclusively establish what the materials the printed screenshots represent.

45. Because the sequence of events shows that Microsoft Teams was opened, and closely followed by the Snipping Tool, it is plausible that the printed screenshots represent information that was stored in Microsoft Teams.

X. On June 21, 2023, Gonzalez manipulated the names of more than one thousand files.

46. On June 21, 2023 at 11:17 AM, Gonzalez conducted two (2) Google searches: “how to change everything to the same name” and “how to change every file to the same name.”

47. Notably, I observed 1,156 files that follow the naming convention ##(##).[file extension]. As just one example, a file was renamed to “2023 (1).docx.” This is consistent with files having been renamed in an automated manner. These files were located within the folder location “\Users\Gonzc11\OneDrive - Piper Sandler & Co\Desktop\Notes\Weekly\.”

XI. Conclusion

48. Based upon my analysis of Gonzalez’s Piper-issued devices, and as described in greater detail above, I offer the following conclusions:

- a. Gonzalez transmitted (texted) Piper information to, ostensibly, a personal mobile phone on June 4, 2023, and deleted the message 22 minutes after sending it.
- b. Gonzalez began researching D.A. Davidson online as early as December 2022, including conducting searches for D.A. Davidson and its individual brokers. There is evidence to suggest that she applied for employment with D.A. Davidson on June 13, 2023.
- c. According to GPS location information available from Gonzalez’s Piper-issued iPhone, Gonzalez travelled to D.A. Davidson’s offices and other areas around it leading up to her separation from Piper.
- d. On June 16, 2023 and June 17, 2023, Gonzalez opened and reviewed selected files and documents from her Piper-issued laptop.
- e. On June 17, 2023, Gonzalez printed the documents that she had previously opened to paper. During this printing activity, a screenshot application and a video conferencing/collaboration application were open and active.

- f. On June 21, 2023, Gonzalez manipulated the names of more than one thousand files.

49. I respectfully reserve the right to supplement or amend this declaration should additional information be made available to me.

I swear under penalty of perjury that everything that I have stated in this Declaration is true and correct.

Executed on: August 1, 2023 in Hennepin County, Minnesota.

A handwritten signature in black ink, appearing to read "Mark Lanterman", with a stylized flourish at the end.

Mark Lanterman